

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IAN FELMINE,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE  
MARTIN RUANE, Shield No. 6170, DETECTIVE  
JULIO FRANCO, Shield No. 2564, DETECTIVE  
THOMAS MARKHARDT, Shield No. 6869,  
SERGEANT JOSE BORRERO, Shield No. 5477,  
"JOHN DOE" and "JANE DOE",

Defendants.

-----X  
AMON, Chief United States District Judge.

**NOT FOR PUBLICATION**  
**ORDER**  
09-CV-3768 (CBA)(JO)

OCT 11 2011

CLERK OF COURT

The plaintiff has filed a letter requesting a pre-motion conference for a proposed motion to reconsider the Court's decision dismissing the claims against defendants Markhardt and Borrero as time-barred. The plaintiff offers this motion based on a relation-back theory not previously asserted in his summary judgment papers, and not briefed by either party. However, the plaintiff may file the requested motion without the need for a pre-motion conference. The plaintiff should serve his motion by October 31, 2011. The defendants may serve a response by November 14, 2011. Any replies should be served by November 23, 2011, and the completed briefing should be filed with the Court by that same date.

SO ORDERED.

Dated: Brooklyn, New York  
October 11, 2011

s/CBA

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Carol Bagley/Amon  
Chief United States District Judge